

SURFACE TRANSPORTATION BOARD**Washington, DC 20423**

Office of Economics, Environmental Analysis, and Administration

Bill Breiner, Chairman
Amador County Transportation Commission
11400 American Legion Drive
Jackson, CA 95642

March 17, 2006

RE: STB Docket No. AB-512X, Sierra Pacific Industries –
Abandonment Exemption in Amador County, California

Dear Mr. Breiner:

In a letter dated February 18, 2006, Mr. David E. Butow of the Amador County Historical Society contacted our agency and expressed concerns regarding the maintenance of rail crossings on state highways in Amador County, California. In particular, he expressed concern regarding the possible removal of a rail crossing on State Highway 49, which he states would isolate several historic buildings. On March 7, 2006, I spoke with Mr. Butow, and it appears that his concerns are related to Sierra Pacific Industries' (SPI) planned abandonment of a rail line in Amador County. I am writing your office at Mr. Butow's request and to provide you with some information on the responsibilities of the Surface Transportation Board's over rail line abandonments and historic sites and structures involved in those abandonments.

Background

The Surface Transportation Board (Board) is responsible for permitting a number of actions involving freight railroads, including rail line constructions, sales, mergers, and abandonments. In the above-mentioned proceeding, SPI and SierraPine jointly requested authority from the Board for SPI to abandon and SierraPine to discontinue service over a 12-mile line of railroad extending from Ione to Martell, California. In a decision served on February 25, 2005, the Board granted SPI an abandonment exemption subject to certain environmental conditions, and one condition imposed by the Board's decision requires SPI to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

Historic Preservation

The Section of Environmental Analysis (SEA) is the office within the Board that is responsible for conducting the environmental review process pursuant to the National Environmental Policy Act, including the NHPA. Pursuant to the Section 106 process, we must identify historic properties that could be affected by the planned abandonment; assess any adverse effects to historic properties; and consider appropriate mitigation measures. In this case, there are a number of potentially historic sites, buildings and structures on the line,

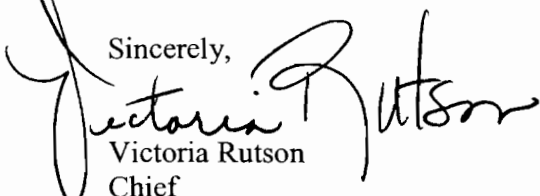
including segments of the rail itself. The California State Historic Preservation Office has requested a survey by a qualified archaeological historical resources consultant; accordingly, we are at the first stage of the Section 106 process, during which we must identify potential historic properties.

In his letter, Mr. Butow expressed concern regarding the impacts to a potentially historic railway station and locomotive barn if the railroad crossing at State Highway 49 is removed. Ultimately, the Board has limited authority to protect historic properties, and documentation of historic properties or resources (taking photographs or preparing a history) is the only form of nonconsensual mitigation that the Board can require. We also note that the removal or elimination of rail crossings is often viewed as beneficial to public safety. However, SPI may not file a consummation notice or initiate salvage activities until the entire Section 106 historic preservation process has been completed and the Board has removed the historic condition. Thereafter, the abandonment authority allows SPI to salvage track, ties and other railroad appurtenances, and to dispose of the right of way.

Track Maintenance

As stated above, Mr. Butow is also concerned about the poor condition of several rail crossings in Amador County and has inquired as to who is responsible for the maintenance of these crossings. Typically, private railroad companies own railroad tracks and the property to either side of the tracks, also known as the right-of-way. At crossings, the railroad is generally responsible for maintenance of tracks, the roadway surface between and around the rails, and any grade crossing signals within its right-of-way. The public entity is generally responsible for maintaining approaches to crossings. We note that the Federal Railroad Administration (FRA), has primary responsibility pursuant to the Federal Rail Safety Act, 49 U.S.C. 20101 et seq., for matters involving safety of railroad operations and regulates railroad operations, including track and road bed conditions. See 49 CFR Parts 200-268.

We are providing you with a copy of Mr. Butow's letter for your information. If you have any questions, please do not hesitate to call me or Christa Dean of my staff at (202) 565-1606.

Sincerely,

Victoria Rutson
Chief
Section of Environmental Analysis

cc: Mr. David E. Butow, Amador County Historical Society

received Mar. 1, 2006

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(D)

AMADOR COUNTY HISTORICAL SOCIETY

"To Identify & Preserve all Matters of Historic Interest for Amador County & its Peoples"

February 18, 2006

Ms. Victoria J. Rutson
SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis
1925 K Street
Washington, D.C. 20423-0001

RE: Historic Railway Distruction/Desecration - Amador Central Railroad

Dear Ms. Rutson,

I got your name from Ms. Debbie Cook, historical archeologist here in Amador County, as she states she has spoken with you before on this matter.

This last week I spoke at a regular meeting of the Amador County Transportation Commission ("ACTC") regarding the state of disrepair of several rail crossings on State highways here in the County. I asked if the responsibility was that of the railroad's owner, Sierra Pacific Industries, or the State Department of Transportation ("CalTrans") to maintain the crossings. After much discussion, neither the Board of the ACTC nor representatives of CalTrans could give an answer and the director of the ACTC said he would look into the matter and report back to the Board.

During the discussion, the chairman of the ACTC, Mr. L.W. Breiner, stated that one crossing, on State Highway 49, was going to be removed in any event, as it would be more convenient for ingress/egress to a new business park currently being built close by, and they had removed a spur line that was in the business park prior to construction. I stated that this would isolate the historic railway station and locomotive barn and it was my understanding that any removal/destruction of a historic railroad had to have the approval of the Surface Transportation Board ("STB"), along with an environmental impact report. He stated this was not so and, essentially, the ACTC could do as they wished.

Because the business park is well along into development it would appear that this matter needs immediate attention from the STB, as destruction of the rail crossing could be imminent.

Post office box 761
Jackson, California 95642

Ms. Victoria J. Rutson
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I am asking that a letter from your office be sent to Mr. Breaner of the ACTC relating the requirements of retaining historic railroads and also, if you are aware, who is responsible for maintaining rail crossings of roads and highways. A copy of the letter to myself would be appreciated. The address of the ACTC is: 11400 American Legion Drive, Jackson, Calif. 95642.

Thank you for your assistance in this matter and should there be any questions, please don't hesitate to call or fax me at (209)223-1313.

Sincerely,

A handwritten signature in black ink, appearing to be 'D. Butow', with a stylized, cursive script.

David E. Butow
President